IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Tr.P(Crl.).No. 79 of 2006()

ST.1096/1994 of J.M.F.C., MANNARKAD
.....

PETITIONER:

V.E.SURENDRANATH,
S/O.K.EACHARAN, EASWARA NILAYAM,
PERUMKUNNAM P.O., KUZHALMANNAM,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:
---

1. STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. C.K.ABOOTTY,
S/O.ALI, CHERIKKALAN HOUSE, THENKARA,
MANNARKKAD, PALAKKAD DISTRICT.

BY ADV. SRIC.M.MOHAMMED IQUABAL
PUBLIC PROSECUTOR SRI.CK.SURESH

THIS TRANSFER PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

Tr.Petition(Crl) No. 79 Of 2006

= = = = = = = = = = = = = =

Dated this the 23rd day of August, 2007

ORDER

The petitioner faces indictment in a prosecution under Sec.323 and 342 IPC. The petitioner is a Police Official. Case has been registered as early as in 1994. It is a private complaint. The petitioner had come to this Court in 2006, with a prayer that the case may be ordered to be transferred to some other court. What is the reason? The short reason urged is that the petitioner apprehends physical harm. He is being threatened and intimidated by the complainant and his henchman. In these circumstances, transfer may be ordered as prayed for. Application for transfer was earlier dismissed by the learned Sessions Judge by Annexure A order.

2. The application is opposed by the learned counsel for the complainant. It is submitted that there is absolutely no justifiable reason to support the prayer for transfer. The petitioner is himself a Police official- C.I. of Police. The learned counsel for the complainant submits the transfer petition is filed

only to protract the proceedings.

3. Be that as it may, I am satisfied that there is no valid reason shown to justify and support the prayer for transfer. Alleged threat and intimidation and the consequent fear of the petitioner, I hold is not reasonable and is not sufficient to justify the prayer for transfer.

4. This petition is, in these circumstances, dismissed with a direction to the learned Magistrate to dispose of the complaint as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. Needless to say, the petitioner's option to apply for exemption from personal appearance on showing satisfactory grounds shall remain.

(R.BASANT, JUDGE)

sj